

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHEASTERN DIVISION**

United States of America, )  
                              )  
Plaintiff,              )     **ORDER RE WAIVER OF DETENTION AND**  
                              )     **PRELIMINARY HEARINGS**  
vs.                        )  
                              )  
Geddy Lee Whitetail,    )     Case Nos.  2:02-cr-090-01  
                              )                                   2:04-cr-128-01  
Defendant.              )

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On September 11, 2006, the defendant made his initial appearance on a petition for revocation of supervised release. AUSA David Hagler appeared on the government's behalf. The Federal Public Defender's Office was appointed to represent the defendant. Federal Public Defender William Schmidt appeared on the defendant's behalf.

The government filed a Motion for Detention . However, the defendant has advised the court that he does not contest the government's motion and waives his right to a detention hearing and preliminary hearing. The court finds that the defendant, having had an opportunity to consult with counsel, freely and voluntarily, and knowingly and intelligently waived his right to a detention hearing and a preliminary hearing and consented to be detained pending final disposition of this matter. Further, based upon the defendant's waiver of a preliminary hearing, the court finds that there is probable cause to believe that the defendant may have committed the offense alleged in the petition.

Accordingly, the court **ORDERS** that the defendant be bound over to the United States District Court to answer to the charges set forth in the complaint. In addition, the court **GRANTS** the Government's Motion for Detention (Case No. 2:02-cr-128, Docket No. 46) and **FURTHER**

**ORDERS** that the defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultations with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 11<sup>th</sup> day of September, 2006.

*/s/ Charles S. Miller, Jr.* \_\_\_\_\_

Charles S. Miller, Jr.

United States Magistrate Judge